

Remarks

Reconsideration of this Application is respectfully requested. Claims 1-3, and 6-12, 15-16, and 19-20 are pending in the application, of which claims 1, 8, 12, and 16 are independent. By the foregoing Amendment, claims 1-3, 6-12, and 16 are sought to be amended. Claims 19 and 20 are sought to be added. Claims 4-5, 13-14, and 17-18 are sought to be cancelled without prejudice or disclaimer. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding objections and rejections.

Claim Objections

The Examiner, on page 3 of the Office Action, has objected to claims 1, 4-5, 7-8, 9-12, and 16 because of informalities. Specifically, the Examiner states that claims 1, 4-5, 7-8, 10-12, and 16 refer to either “the link”, “said link”, “the first link”, or “said first link.” Claims 4-5 have been cancelled, thereby rendering the objection to claims 4-5 moot. Applicants have amended claims 1, 7-8, 10-12, and 16 to be consistent by using “the link” and “the first link”. With respect to claim 9, the Examiner believes that the term “the” should precede “Internet.” Applicants have amended claim 9 to include the term “the” before the term “Internet.” Thus, Applicants have amended claims 1, 7-8, 9-12, and 16 to overcome the objections cited by the Examiner. Applicants respectfully request that the Examiner review the claim amendments and withdraw the objections to claims 1, 4-5, 7-8, 9-12, and 16.

Rejections under 35 U.S.C. § 112, second para.

The Examiner, on page 3 of the Office Action, has rejected claims 3-7, 9 and 11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, with respect to claim 3, the Examiner states that claim 3 recites “a secure mode”, and that it is unclear if Applicants meant for the secure mode recited in claim 3 to be a different secure mode than the one recited in claim 1. Applicants have amended claim 3 to change “a secure mode” to “the secure mode” to overcome this rejection.

Claims 4 and 5 have been cancelled, thereby rendering the rejection of claims 4-5 moot. With the cancellation of claims 4 and 5, the term “the network interface device” recited in claim 6 provides appropriate antecedent basis for the term “a network interface device” recited in claim 1.

With respect to claim 7, the Examiner states that “the control signal” is not consistent with “control signals” recited in claim 6. Applicants have amended claim 6 to recite “a control signal”, which is consistent with “the control signal” recited in claim 7.

With respect to claim 9, the Examiner states that it is unclear how the network being the Internet can cause the non-secured protocol to include HTTP and the secured protocol to include HTTP-S. Applicants have amended claim 9 to overcome this rejection.

With respect to claim 11, the Examiner states that it is unclear how data can be converted to a protocol since a protocol is a standard procedure for doing something. Applicants have amended claim 11 to overcome this rejection.

In summary, Applicants have amended claims 3, 6-7, 9, and 11 to overcome the rejections under 35 U.S.C. § 112, second paragraph. Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 3-7, 9, and 11.

Rejection under 35 U.S.C. § 102

The Examiner, on page 5 of the Office Action, has rejected claims 1 and 4 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,896,499 to McKelvey. Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

Claim 4 has been cancelled, thereby rendering the rejection of claim 4 moot. With respect to claim 1, McKelvey does not teach or suggest every element of claim 1. For example, McKelvey does not teach at least the following claimed element of “a security switch to switch the first link from a non-secured mode using an HTTP protocol to a secured mode using an HTTP-S protocol when a report of the detected failures or intrusions is received from the bus monitor.” Unlike the present invention, McKelvey teaches disabling the embedded security processor when intrusions or undesirable activity is being attempted, not switching the first link from a non-secured mode using an HTTP protocol to a secured mode using an HTTP-S protocol.

Thus, for at least the foregoing reasons, Applicants respectfully submit that independent claim 1, and the claims that depend therefrom (claims 2-3 and 6-7) are not anticipated by McKelvey. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claim 1 and the claims that depend therefrom.

Rejection under 35 U.S.C. § 103

The Examiner, on page 6 of the Final Office Action, has rejected claims 2-3, 5, 7-11, 14-15, and 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,896,499 to McKelvey in view of Applicants' admittance of prior art. Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 5, 14, and 18 have been cancelled, thereby rendering the rejection of claims 5, 14, and 18 moot. Claims 2-3 and 7 depend from independent claim 1, which is patentable over McKelvey for at least the reasons stated above. Furthermore, Applicants' admittance of prior art does not solve the deficiencies of McKelvey. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of claims 2-3, 5, 7, 14, and 18.

With respect to independent claim 8, the Examiner states that McKelvey substantially teaches Applicants' invention except for the disclosure of a server, which is well known in the art. Applicants respectfully disagree. Neither McKelvey nor Applicants' admittance of prior art teach or suggest at least the following element of "a controller to monitor a link between the interface device and the server, where the controller switches the link from a non-secured protocol using an HTTP protocol to a

secured protocol using an HTTP-S protocol when failures or intrusions are detected on the link.”

Unlike the present invention, McKelvey teaches disabling the embedded security processor when intrusions or undesirable activity is being attempted, not switching the link from a non-secured protocol using an HTTP protocol to a secured protocol using an HTTP-S protocol. Furthermore, McKelvey teaches away from Applicants’ invention because McKelvey teaches disabling the embedding security processor, not switching the link from a non-secured protocol to a secured protocol. Thus, neither McKelvey nor Applicants’ admittance of prior art, separately or in combination, teach or suggest Applicants’ claimed invention as recited in independent claim 8. For at least the foregoing reasons, Applicants respectfully submit that independent claim 8, and the claims that depend therefrom (claims 9-11) are patentable over McKelvey and Applicants’ admitted prior art. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claim 8 and the claims that depend therefrom (9-11).

Dependent claim 15 depends from independent claim 12, which is patentable over McKelvey for at least the reasons stated below.

The Examiner, on page 10 of the Office Action, has rejected claims 6, 12-13, and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,896,499 to McKelvey. Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 13 and 17 have been cancelled, thereby rendering the rejection of claims 13 and 17 moot. Claim 6 depends from claim 1, which is patentable over McKelvey for at least the reasons stated above with respect to claim 1. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 6, 13, and 17.

With respect to independent claims 12 and 16, the Examiner states that McKelvey substantially teaches Applicants invention, but that McKelvey does not explicitly disclose second directing the link to revert to a non-secured protocol when said detected failures or intrusions have been corrected. However, the examiner states that it is well known in the art to revert a computer system to its normal operating mode once an intrusion has been dealt with or an error has been fixed.

Applicants respectfully disagree. For example, McKelvey does not teach or suggest at least the following elements of claims 12 and 16: “first directing the link to use an HTTP-S secured protocol when failures or intrusions are detected on the link” and “second directing the link to revert to an HTTP non-secured protocol when the detected failures or intrusions have been corrected.”

Unlike the present invention, McKelvey teaches disabling the embedded security processor when intrusions or undesirable activities are being attempted, not directing the link to use an HTTP-S secured protocol when failures or intrusions are detected on the link or to revert back to an HTTP non-secured protocol when the detected failures or intrusions have been corrected. Furthermore, McKelvey teaches away from Applicants’ invention because McKelvey teaches disabling the embedding security processor, not directing the link to use HTTP-S secured protocol when failures or intrusions are detected

and reverting to an HTTP non-secured protocol when the detected failures or intrusions have been corrected.

Thus, for at least the foregoing reasons, claims 12 and 16, and the claims that depend therefrom (claims 15 and 19, and claim 20, respectively) are patentable over McKelvey. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claims 12 and 16, and the claims that depend therefrom.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all currently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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